

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

BENJAMIN P. LOPEZ,

Plaintiff,

v.

FNU KUSICK et al.,

Defendants.

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Case No. CIV-19-1025-SLP

**ORDER**


Before the Court is the Report and Recommendation [Doc. No. 6] of U.S. Magistrate Judge Shon T. Erwin. Judge Erwin recommended that this matter be dismissed without prejudice due to Plaintiff's failure to submit required financial information and the signature of an authorized officer of the penal institution, as well as a certified copy of Plaintiff's institutional account statement—all as required by Judge Erwin's Order of November 13, 2019 [Doc. No. 5]—as well as Plaintiff's failure to respond to that Order at all. Plaintiff now has submitted the missing information, albeit not by the deadline established for him to do so. *See* Doc. No. 13. Having now received the missing information, the undersigned DECLINES to adopt the Report and Recommendation [Doc. No. 6] and RE-REFERS this matter to U.S. Magistrate Judge Shon T. Erwin for additional proceedings in accordance with the original referral order entered herein on November 7, 2019 [Doc. No. 4].<sup>1</sup>

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<sup>1</sup> Included in the Court's referral are various pending motions filed by Plaintiff. *See* Doc. Nos. 2, 9, 11-13.

The Court cautions Plaintiff that he must meet all deadlines set by the Court (whether by the undersigned or by Judge Erwin) and that his failure to do so in the future may not be excused in the manner that the Court has determined should occur regarding his belated submission of financial information. Plaintiff also must follow all applicable rules (including the Federal Rules of Civil Procedure and the Local Civil Rules of the U.S. District Court for the Western District of Oklahoma) and meet all deadlines included therein unless granted extensions of time by the undersigned or by Judge Erwin.

IT IS SO ORDERED this 21<sup>st</sup> day of January, 2020.

  
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**SCOTT L. PALK**  
**UNITED STATES DISTRICT JUDGE**